

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

JOSEPH MANDALE,	:	
	:	
Plaintiff,	:	CIVIL ACTION
	:	
v.	:	NO. 08-04888
	:	
DES MOINES TRIA TOWER, LLC, <u>et al.</u> ,	:	
Defendants.	:	

Order

And now, this 5th day of August 2009, upon consideration of plaintiff's memorandum of law (Doc. No. 13) in response to this court's order of June 5, 2009 (Doc. No. 12), **IT IS HEREBY ORDERED** that because plaintiff has failed either to support his claim of valid service on defendants Anna Shapiro and Alex Gershbeyn or to make proper service otherwise on each defendant within 120 days of filing the complaint as required under Federal Rule of Civil Procedure 4(m), plaintiff's complaint is **DISMISSED**, without prejudice, as to defendants Anna Shapiro and Alex Gershbeyn.

/s/ William H. Yohn Jr., Judge
William H. Yohn Jr., Judge